

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY AND NISHNABOTNA VALLEY RURAL ELECTRIC COOPERATIVE	DOCKET NO. SPU-04-23
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**ORDER GRANTING PETITION FOR MODIFICATION  
OF SERVICE AREA BOUNDARIES**

(Issued August 30, 2004)

On August 5, 2004, MidAmerican Energy Company (MidAmerican) and Nishnabotna Valley Rural Electric Cooperative (Nishnabotna) filed a joint petition for modification of electric service area boundaries pursuant to Iowa Code § 476.25(2) (2003) and 199 IAC 20.3(9). An error in the legal description was corrected in a telephone conversation between MidAmerican and the Board's staff. A service area agreement between MidAmerican and Nishnabotna was attached to the petition. No objections to the petition were filed.

MidAmerican and Nishnabotna request the Board modify the service territory boundary between the two utilities in Shelby County, Iowa. The following service territory is to be transferred from MidAmerican to Nishnabotna:

The Southwest Quarter of the Northwest Quarter of the Southwest Quarter (SW ¼, NW ¼, SW ¼), Section 22, Township 79 North, Range 40 West of the 5<sup>th</sup> P.M., Shelby County, Iowa.

In support of the petition, MidAmerican and Nishnabotna state the transfer will enable Nishnabotna to serve a customer premise more economically than MidAmerican. The prospective customer has no objection to the transfer of the territory from MidAmerican to Nishnabotna.

Iowa Code § 476.25 (2003) provides in pertinent part:

Contracts between electric utilities to designate service areas and customers to be served by the electric utility or for the exchange of customers between electric utilities, when approved by the board, shall be valid and enforceable and shall be incorporated into the appropriate exclusive service areas established pursuant to subsection 1 of this section. The board shall approve a contract if it finds that the contract will eliminate or avoid unnecessary duplication of facilities, will provide adequate electric service to all areas and customers affected, will promote the efficient and economical use and development of the electric systems of the contracting electric utilities, and is in the public interest.

The Board will grant the MidAmerican and Nishnabotna joint petition for modification of service area boundaries. MidAmerican and Nishnabotna have alleged facts which establish the proposed modification is in the public interest, will prevent unnecessary duplication of facilities, will provide adequate electric service to all customers affected, and will promote the efficient and economical use of electrical systems, pursuant to Iowa Code § 476.25.

**IT IS THEREFORE ORDERED:**

The joint petition for modification of electric service area boundaries filed by MidAmerican Energy Company and Nishnabotna Valley Rural Electric Cooperative

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on August 5, 2004, with the corrected legal description, is granted, subject to  
complaint or investigation.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 30<sup>th</sup> day of August, 2004.